

Report Date: April 14, 2017

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 14, 2017

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Brett A. Luton

Case Number: 0980 2:14CR00021-RMP-23

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: April 1, 2015

Original Offense: Conspiracy to Possess with Intent to Distribute Oxycodone Hydrochloride,
21 U.S.C. § 841(a)(1) and U.S.C. § 846

Original Sentence: Prison - 6 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Russell E. Smoot Date Supervision Commenced: October 29, 2015

Defense Attorney: Federal Defender's Office Date Supervision Expires: October 28, 2018

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: On October 30, 2015, Mr. Brett Luton signed his conditions relative to case number 2:14CR00021-RMP-23, indicating that he understood all conditions as ordered by the Court. Specifically, Mr. Luton was made aware by his U.S. probation officer that he was required to refrain from the use of illegal controlled substances. Mr. Luton was informed that based on his history of drug use and his conditions as ordered by the Court, he would be referred to random urinalysis testing at Alcohol Drug Education Prevention and Treatment (ADEPT). The process and the client's expectations related to the random testing were explained to the client and he indicated that he understood.

On March 24, 2017, the U.S. Probation Office in Spokane received notification from ADEPT that the client had presented to the provider for random urinalysis testing as required on March 23, 2017, and had submitted a urinalysis sample that was presumptive positive for cocaine and marijuana. It should be noted that the client is prescribed the prescription

Re: Luton, Brett A

April 14, 2017

Page 2

medication Marinol for his diagnosed multiple sclerosis and that this prescription has been previously authorized by the Court for the management of his diagnosis. Marinol, commonly referred to as medical marijuana, does provide a positive result for marijuana during urinalysis testing.

On April 4, 2017, the lab confirmation relative to the aforementioned urinalysis sample was received by the undersigned officer from Alere Toxicology and confirmed the presence of cocaine metabolite in the sample as submitted by the client. On April 6, 2017, the client reported to U.S. Probation as directed and adamantly denied using cocaine. The client indicated he did take some homemade workout supplements offered to him, but again denied any use of cocaine. The client subsequently submitted to an additional urinalysis test as directed by the undersigned officer while present at U.S. Probation and the sample submitted by the client was presumptive positive for amphetamine and methamphetamine. The client again adamantly denied any use of either substance and signed a drug use admission form in which he denied the presence of methamphetamine or amphetamine.

On April 13, 2017, the undersigned officer again received confirmation from Alere Toxicology relative to the urinalysis sample submitted by the client at U.S. Probation on April 6, 2017, that the sample was confirmed as being positive for amphetamine and methamphetamine. The client was contacted telephonically that day and again he adamantly denied using either product, stating that he had used a nasal inhaler, but that at no time had he used any form of methamphetamine as indicated by the report.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2017

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons


Signature of Judicial Officer

4/14/2017
Date